

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL SESSION
September 16 & 17, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., September 16, 2003, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Josh Harts, Administrative Assistant, David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

FOR DISCUSSION AND POSSIBLE ACTION:

CHIEF REGIONAL DEVELOPMENT SERVICES OFFICER, Transportation - Discussion with the City of Phoenix representatives and possible action regarding the Board of Supervisors formal response to the Transportation Policy Committee's recommended 20-year comprehensive, performance-based, multimodal and coordinated regional transportation plan. (ADM2012-001)

Tom Buick, Director of Transportation and County Engineer
Jack Tevlin, Deputy City Manager, City of Phoenix

Chairman Brock recognized Mayor Rimsza, Councilwoman Bilsten, and Jack Tevlin, representing the City of Phoenix, and welcomed them to this open meeting.

Tom Buick, MCDOT gave an overview of the Regional Transportation Plan currently being studied to serve Maricopa County for the next twenty years.

Mr. Tevlin presented the transportation plan recommendations from the City of Phoenix that included local bus, bus rapid transit, and light rail. He said that rapid transit bus routes are a precursor to future light rail routes. He explained that light rail would become an alternative to using arterial streets during rush hour. Light rail will cost \$55 to \$60 million per mile but must be regarded as a resource that would not expire in five or ten years. He cited the New York subway, which was built 110 years ago and continues to carry the majority of workers to their jobs on a daily basis. Mr. Tevlin added that light rail also has a lower operating cost and it can carry more people faster than buses.

Chairman Brock asked about planned routes. He also asked why there isn't a route to Sky Harbor Airport.

Mr. Tevlin explained that it would save \$500 million to use shuttles to transport travelers to Sky Harbor rather than take the train through to the airport itself. He also mentioned that express routes would be added during rush hours to get people to their destinations faster.

The Chairman also asked what kind of incentives would be offered to encourage people to use light rail since many buses now transverse the town in a nearly empty state, even during rush hour.

Mr. Tevlin replied that people who have a choice of transportation need an incentive to ride the bus but that isn't the case with a train.

Mayor Rimsza reported that during the Los Angeles Olympics, drivers were encouraged to stay off the freeways and the resulting five percent decrease in the number of vehicles resulted in greatly improved traffic conditions. He said, "As Phoenix doubles in population over the next 20 years we will need this kind of system in place. People will always prefer driving their car, but a five or ten percent decrease will do

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wonders in relieving traffic congestion.” He also noted that a study done in St. Louis showed that sociologically, people are more open to taking a train than they are a bus.

Supervisor Wilcox brought up the possibility of not building the I-10 and Paradise Valley arms of the light rail and redirecting the money to arterial improvements before the expected heavy increase in traffic flow becomes a reality.

Mayor Rimsza said that today’s voters lose trust when components are added to or removed from an approved ballot issue, and Phoenix voters don’t trust elected officials because of what happened in 1985. “There was flexibility in the 1985 plan and then roads were taken out in some portions of the Valley and that made the voters felt cheated. We need to trade flexibility for the voters trust. Specific dates need to be included so the voters know what will be built and when it will be done.” He said that Phoenix put the exact routes of the original 20-mile stretch of light rail on the ballot and this played a major part in winning the voters approval. Mayor Rimsza explained that people want the reliability of an exact plan even if you end up building a road sooner or later than the road is needed. He added, “I would have a hard time supporting a plan that didn’t lock in the improvements in a time schedule within a five-year window.”

Mr. Tevlin said the MAG (Maricopa Association of Governments) plan has construction of the light rail scheduled to be built along the I-10 freeway between 2016 and 2020, and the light rail to Paradise Valley from 2020 to 2025. Mr. Tevlin explained that there are a significant number of years until the light rail money will be needed and until then bus rapid transit would be used.

Supervisor Wilcox asked where the money for bus rapid transit would come from. Mr. Tevlin replied that it came from Transit 2000 and was not being taken from the half-cent sales tax revenues.

Supervisor Kunasek asked if a mechanism was built into the plan to divert funds from one mode to another if there was a major environmental change, such as a major, long-term gas shortage or similar crisis.

Mayor Rimsza said that any crisis would demand a second public vote, and stated, “If the plan approved by the voters needs to be changed, the change should go back to the voters for approval. A future body shouldn’t be allowed to divert funds from, or even within the plan. Much has been learned about scheduling, freeway costs and allowing for right-of-way inflationary costs since 1985. He added that the light rail plan has received the highest rating on a go-forward project from the federal government, based on feasibility and cost.

Supervisor Kunasek asked how quickly or easily an election could be held if an emergency occurred. He also broached the subject of a systematic review of the transportation plan to consider changing circumstances in population growth or the environment.

Mayor Rimsza stated that he would not include any provisions to change the language in the plan presented on the election ballot. He said, “Flexibility sounds good to elected officials but it isn’t good for the voters.”

Supervisor Stapley asked what would happen if federal funding doesn’t come through as expected.

Mayor Rimsza asked Supervisor Stapley, “What happens if sales tax revenues collapse because of a deep recession?”

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Supervisor Stapley said that he understood the mayor wanted something “set in stone” that was reliable. He again asked about unexpected disaster or an event beyond control that needed a quick response to avert breakdown or failure.

Mayor Rimsza reiterated that it should go back to the voters.

Supervisor Stapley asked about putting a check-and-balance system into the ballot language so that if the number of riders using the first phase of light rail does not reach a certain minimum number or the environmental impact number, then those remaining funds could be diverted to bus rapid transit using the same routes.

Mayor Rimsza said that would take a judgment call and the voters would not trust it. Business owners tell him that the number one reason they chose to come to Phoenix over other possibilities is that Phoenix had a long-range plan that they stick to.

Supervisor Stapley reminded the city officials that the mandate from the legislature is to build a multi-modal, regional plan that is performance driven. He said that he believes the arterial streets are drastically under-funded in the current plan since funds were transferred out of the arterial portion to pay for the extra 27½ miles of future rail transit that suddenly appeared on the map at the July 22 meeting. He stated that these miles appeared without any conversation among the TPC (Transportation Policy Committee) members that he was aware of. Every mile of rail transit costs \$60 million to build.

Ms. Bilsten said that the real issue should be about “What do the people want? The people love light rail.” She said that the transportation subcommittee meetings are packed when they discuss light rail. She reported, “The people are excited and are concerned that there may be too much freeway and not enough light rail.”

Mayor Rimsza said that their job as elected officials is to have a vision of the future of this region. He implored the Supervisors to accept that the plan doesn’t have everything they want on it and support it anyway. He stated, “Phoenix and this mayor will not support a plan that doesn’t have a substantial component for light rail, or one that allows future leaders to divert funds.”

Supervisor Wilcox thanked the mayor for coming and said she hoped they could have similar dialogues in the future.

Mayor Rimsza and Ms. Bilsten left the meeting

Supervisor Wilson asked Mr. Tevlin what kind of security the light rail would have. Mr. Tevlin replied that there would be cameras on every car and personnel at all the stations.

Supervisor Wilson said that he could support a light rail system like the one in Salt Lake City even though they had some problems with that system – like parking. “People come in the morning, park their cars and spend the day downtown and the parking lots are full all day.” Mr. Tevlin agreed that not building enough park-and-ride lots was the most common mistake all across the country.

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Supervisor Stapley recommended that light rail rights-of-way be acquired along the bus rapid routes. This would facilitate the change-over from the bus routes as precursors to light rail because the rights-of-way would already have been acquired.

Mr. Tevlin admitted that there were some risks in the light rail plan, but said that most agree there is a good possibility of success because of distance and the number of potential passengers. He listed downtown Tempe businesses, ASU's 44,000 students, the Salt River Project business park, Gateway Community College's 10,000 students, the airport with 24,000 workers and air passengers, downtown Phoenix's many attractions that include America West, BOB, the Convention Center and Symphony Hall. He also cited Central Avenue, "with the heaviest concentration of employment anywhere in the valley." He asked, "How can this fail? There is no denser corridor than where this is being built."

Supervisor Stapley introduced a concept of checks and balances discussed at the coalition meeting that would call for a review of the plan every five-years. At that time, if the light rail had the riders that have been foreseen it would continue. If not, or if federal funding had dried up, those funds would be diverted into arterial streets and bus rapid transit. He told the Board that Mesa is the biggest city in the East Valley expressing dissatisfaction with the plan as it is now written and that Mesa Mayor Hawker liked the checks and balance concept. He added that the committee is driven by performance measures that need to be balanced between the three modes of transportation and it is difficult to anticipate 20 years of potential problems in advance.

Chairman Brock asked Mr. Tevlin to explain the funding process and referenced the previous statement made on the unreliability of federal funding over the years as new members are elected to Congress.

Mr. Tevlin replied that 65% of the money raised from the City of Phoenix's Transit 2000 tax will go to buses and 35% will to light rail. The portion for light rail will cover the distance to Spectrum Mall and Metro Center plus an additional five miles. It also covers operating costs for each year of operation in addition to the capital cost. The Hybrid plan now being debated for the half-cent sales tax extension, will add 23 miles of rail in Phoenix and Tempe.

Mr. Tevlin agreed that Mayor Rimsza was passionate about light rail and said he believed he would not be opposed to accountability. He added that the City firmly believes light rail will perform as promised because every system built in the past ten years has exceeded passenger expectations.

Chairman Brock asked if there were any systems that paid for themselves. Mr. Tevlin responded, "Nowhere in the world is there a system that has ever paid for itself." Chairman Brock asked how close the systems have come. Mr. Tevlin replied that they make 25% at most and that these are subsidized services.

Chairman Brock asked if they could get federal funding to cover the difference.

Mr. Tevlin explained that they have received \$44 million already and congress is debating another \$13 million. "This rail project has received more money than any other light rail project at this stage, but that doesn't guarantee the fifty-fifty match for the \$6 hundred million."

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~ Chairman Brock left the meeting ~

David Smith asked if there was a contradiction in the cost differential between bus rapid and light rail.

Mr. Tevlin replied that bus rapid transit costs more to operate on a year-to-year basis but would show a \$500 million savings over the course of the tax.

Mr. Buick explained it differently. "The capital cost is more for light rail, but timing is the issue. If you defer the light rail for a couple of years you save three hundred million dollars a year from the initial capital investment." He added, "It isn't a question of if you should build light rail, but when you should build it."

Supervisor Kunasek asked if things changed and the plan needed to go back to the voters, as the Mayor believes it should, how that would be accomplished and if anything would be put into the plan to accommodate that?

Mr. Tevlin said he believed the plan would probably need to go back to the legislature, but it would depend on the flexibility that was built into it.

Supervisor Wilson urged that firewalls be put in place to protect the voter's expectations in all regions. Mr. Tevlin responded that so far the firewalls were set between modes but hadn't been set regionally.

Supervisor Stapley agreed that regional projects need to be protected. He stated, "And, I would have a problem with a plan that would continue to build and expand a system even if nobody was using it." He added that there needs to be performance reviews.

MEETING RECESSED

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to recess and continue this meeting to 9:30 a.m. September 17, 2003, or a time immediately following that day's scheduled Executive Session, in the Tom Sullivan Conference Room, 301 W. Jefferson, to give additional time to reconsider and refine the accountability provisions that will be recommended to the RTP at tomorrow's scheduled TCP meeting.

MEETING RECONVENED

Chairman Brock reconvened the transportation meeting at 10:00 a.m., September 17, 2003, in the Tom Sullivan Room, 301 West Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

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Tom Buick, Director of Transportation and County Engineer
Jack Tevlin, Deputy City Manager, City of Phoenix

Tom Buick handed out the latest draft on the County's proposed accountability provisions and said that MCDOT recommended support of the MAG Hybrid Plan if a detailed system of checks and balances was added to it, along with an in depth clarification of "who does what if any changes are to be made." He said that MAG has not changed their preference for the County to be held to a consultative role with no approval ability.

Chairman Brock reported that East Valley newspaper editors are charging that the County is "trying to torpedo the process," while the West Valley is charging that the East Valley gets all the money spent on them. He speculated as to how today's TCP meeting would proceed through the parochial stands that are still being maintained by the municipalities. Discussion ensued on the TCP agenda and the expected progression of business handled by the 22 committee members, which include business leaders (5), the State (1), Maricopa County (1), CTOC (1) (Citizens Transportation Oversight Committee) and the 14 mayors.

After discussing workable definitions of major and minor amendments to the Transportation Plan, acceptable procedures and processes for making them were discussed. The need or desirability for independent audits of the Plan as it progresses through the years was mentioned and Clem Ligocki said he had worked on the original (1985) sales tax bill when he was at ADOT. When the Legislature expressed concerns about how that first plan was being carried out KPMG Pete Marwick had been asked to conduct an independent audit and had turned up some problems from which the ADOT "life cycle" process was born. He said the audit did not get into the individual projects but the audit on the whole had turned out to be productive. Tom Manos said, "The real question is whether a major amendment should go back to the people for a vote."

Supervisor Wilson said, "No, we can't do that. We're voting on the overall plan now and if they try to change one part of it down the road it won't affect all so the big dogs will vote against the little dogs." He said he knew there had to be accountability, "but I can't see how to get there – I can see how to circumvent it."

Supervisor Stapley said, "But if an audit shows a problem or non-performance then that part may be voted on?" Discussion ensued on an audit and the best ways to guard the integrity of the overall plan when changes have to be made or cost overruns/deficits are discovered, etc.

David Smith expressed worry "about the tyranny of the majority." He said that the County has learned some bitter lessons from the past and one is the need to be able to make changes based on what is happening in the world.

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Tom Manos speculated that the best answer might be a Regional Transportation District that is continually responsive and accountable but added "but no one wants to hear that."

Supervisor Kunasek said that MAG is not a legitimately elected body and therefore has no great need to be accountable. He felt the recommendations from the County are good ones and gives opportunities for the people to vote on proposed major changes.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to recommend the following accountability provisions be added to the Hybrid Plan.

Proposed RTP Accountability Provisions

- Require an independent evaluation of the performance of the RTP every 5 years. (Full audit of implemented projects and evaluation of projects within the balance of the plan time frame.)
- The TPC must review the independent RTP evaluation and may recommend amendments to the RTP based on the independent evaluation.
- A minor amendment may be made through a 2/3-majority vote by the TPC. (A minor amendment is an adjustment that does not change the overall modal funding percentages in the RTP.)
- A major amendment to the RTP must be approved by a majority vote of the TPC and a majority vote of the citizens of Maricopa County. (A major amendment includes any of the following: the addition or deletion of a freeway, expressway or high capacity transit project; or any other adjustment that would change the overall modal funding percentages in the RTP.) The TPC, on approval of a major amendment, shall request the County Board of Supervisors to call for an election, on the next general election date, to consider the amendment.
- In no case may an amendment change the regional funding percentages in the RTP.
- Include the above accountability provisions in the authorizing legislation.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Fran McCarroll, Clerk of the Board